

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INSYTE MEDICAL : CIVIL ACTION  
TECHNOLOGIES, INC. :  
: v. :  
: :  
LIGHHOUSE IMAGING, LLC : NO. 13-1375

ORDER

AND NOW, this 11th day of March, 2014, upon  
consideration of the defendant's Motion to Dismiss Counts I, II,  
IV and V of the Plaintiff's Complaint (Docket No. 3), and the  
opposition and reply thereto, IT IS HEREBY ORDERED, for the  
reasons stated in a memorandum of law bearing today's date, that  
the defendant's motion is GRANTED. Counts I, II, IV, and V of  
the complaint are dismissed. The plaintiff's claim for breach  
of contract (Count III), not at issue in this motion to dismiss,  
shall proceed. If the plaintiff concludes, as a result of  
ongoing discovery into the breach of contract claim, that  
additional facts exist that support the dismissed claims, it may  
file an amended complaint prior to the close of discovery.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.